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PTO/SB/21 (09-04)

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Total Number of Pages in This Submission

16

Application Number

09/904,975

Filing Date

July 12, 2001

First Named Inventor

Delmer, Dan W.C.

Art Unit

3679

Examiner Name

Aaron M. Dunwoody

Attorney Docket Number

DELME-P2739

ENCLOSURES (Check all that apply)



Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)



Reply to Missing Parts/
Incomplete Application



Reply to Missing Parts
under 37 CFR 1.52 or 1.53



Drawing(s)



Licensing-related Papers



Petition



Petition to Convert to a
Provisional Application



Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____



Landscape Table on CD



After Allowance Communication to TC



Appeal Communication to Board
of Appeals and Interferences



Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)



Proprietary Information



Status Letter



Other Enclosure(s) (please identify
below):

Credit Card Payment Form (PTO/2038);
Return Receipt Prepaid Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

J. Mark Holland & Associates

Signature

Printed name

Mark A. Pellegrini

Date

1/8/06

Reg. No.

50,233

CERTIFICATE OF TRANSMISSION/MAILING

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Mark A. Pellegrini

Date

1/8/06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
DELME-P2739

First named inventor: DELMER, DAN W.C.

Application No.: 09/904,975

Art Unit: 3679

Filed: JULY 12, 2001

Examiner: DUNWOODY, AARON M.

Title: COUPLING FOR PIPE AND RELATED METHODS

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 750-55=695 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

- ☐ has been filed previously on _____.
- ☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

January 18, 2006
Date

MARK A. PELLEGRINI
Typed or printed name

50,233
Registration Number, if applicable

3 CIVIC PLAZA, SUITE 210
Address

949-718-6750
Telephone Number

NEWPORT BEACH, CALIFORNIA 92660
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: PREPAID POSTAL CARD FOR ACKNOWLEDGEMENT OF RECEIPT, CREDIT CARD PYMNT FORM

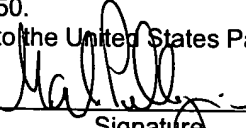
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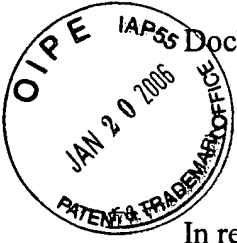
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January 18, 2006
Date



Signature

MARK A. PELLEGRINI
Typed or printed name of person signing certificate



Docket No. DELME-P2739

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dan W.C. Delmer

Serial No.: 09/904,975

Art Unit: 3679

Filed: July 12, 2001

Examiner: Aaron M. Dunwoody

For: COUPLING FOR PIPE AND RELATED METHODS

Mail Stop Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED

UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Sir:

Please find attached herewith as set forth in 37 C.F.R. §1.137(b)(1)-(3):

- (1) A reply;
- (2) Petition fee as set forth in §1.17(m); and
- (3) Statement of unintentional delay.

Applicant hereby states that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to paragraph 37 C.F.R. §1.137(b)(3) was unintentional.

Applicant believes, as indicated in the PTO/SB/64, that a small entity petition fee in amount \$695.00 is required. This amount is the difference between the amount Applicant authorized (\$55.00) for such a Petition for Revival of an application unintentionally abandoned

Certificate of Mailing

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Mark A. Pellegrini, Reg. No. 50,233

1/18/06
DATE

on June 21, 2004 and the amount currently required for such a Petition for Revival (\$750.00). In this regard, Applicant's original Petition for Revival was not acted upon. Applicant's original Petition for Revival was deemed inappropriate and was acted upon under 37 CFR 1.181 as a Petition to Withdraw the Holding of Abandonment in which no fee is required.

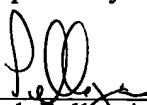
If Applicant is incorrect in this regard, the Patent Office is authorized to charge any additional fee due, or credit any overpayment, to our Deposit Account No. 08-2624.

If the Office of Petitions or the Examiner has any questions regarding the foregoing, or if either would like to discuss any remaining or new issues regarding this communication, each is invited to contact the undersigned representative of Applicant at (949) 718-6750.

Respectfully submitted,

Date:

1/18/06



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MAP:dw

Enclosures

Z:\WinWord\DELME\P2739\2739AMD5.doc

REPLY AS REQUIRED UNDER 37 CFR 1.137(b)

Claims

Claims 1-3, 5-15, and 19-26 were previously presented. In the present amendment Claim 1 and Claims 19-26 have been canceled without prejudice. Thus, after entry of the present amendment, Claims 2-3 and 5-15 will be pending.

Specification

Applicant has changed the title of the invention to PIPE COUPLING as suggested by the Examiner.

Claim Objections

Claims 1 and 19-22 were objected to for the following alleged informality: Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. The Examiner requires appropriate corrective action.

Applicant has cancelled Claims 1 and 19-22 as indicated herein, and respectfully submits that the objection has been overcome. However, in this regard, 37 CFR 1.75(i) states, "Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation." (emphasis added) Further in this regard, the MPEP at 608.01(m) indicates that there is no set statutory form for claims. Accordingly, although it may be appropriate for Applicant to have separated each element or step by a line indentation, the Applicant is not required to do so to meet the statutory requirements as set forth in the Patent Rules.

Therefore, Applicant respectfully submits that independent Claims 1, 19, and 20 were in proper form as originally filed. In rewriting Claim 2 into independent form including all of the

limitations of the base claim and any intervening claim Applicant included line indentations to separate each element or step as required by the Examiner. Applicant believes that changes made to the claims to overcome the Examiner's objection affect only the form of the claims and not the scope or substance thereof. In other words, Applicant respectfully submits and intends that the foregoing formal change (regarding line indentation) does not affect, limit, or narrow in any way the subject matter covered by the claims.

Claim Rejection

Claim 19 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has canceled Claim 19.

Allowable Subject Matter

The Examiner has indicated that Claims 2 and 8-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has rewritten Claims 2, 8 and 10 in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Claim 2 (Claims 3, and 5-7 dependent thereon), Claim 8 (Claim 9 dependent thereon), and Claim 10 (Claims 11-15 dependent thereon) are therefore in condition for allowance, notice whereof is respectfully requested of the Examiner.

In view of the amendments and remarks set forth above, it is thought that the application including Claims 2-3, 5-15 is now in condition for allowance, notice whereof is respectfully requested of the Examiner.

Docket No. DELME-P2739 Serial No. 09/904,975

SPECIFICATION

Title

~~APPARATUS AND RELATED METHODS FOR PIPE COUPLING~~

CLAIMS

1. (Canceled)

2. (Currently Amended) ~~The apparatus of Claim 1,~~ Apparatus for joining a plurality of pieces of pipe, including:

a first piece of pipe and a second piece of pipe each having a similar size and shape sidewall corrugation pattern along their lengths;

a first female engagement structure formed from the sidewall corrugation pattern of the first piece of pipe; and

a male engagement structure formed from the sidewall corrugation pattern of the second piece of pipe,

the first female structure being temporarily deformed for receiving the male structure, the temporary deformation being both sufficiently large to permit the insertion of the male structure but also sufficiently small to ensure that material memory returns the first female structure toward its original non-deformed configuration with sufficient compressive force to grip the male structure and prevent its inadvertent removal from engagement with the first female structure, and

wherein the female structure includes an inwardly projecting engagement element at its leading edge acting between said first and said second pieces of pipe to increase the force necessary to disengage said pipe pieces from each other following assembly.

3. (Currently Amended) ~~The apparatus of Claim 1 or Claim 2,~~ in which said pipe sidewall corrugation pattern of each piece of pipe includes a corrugated exterior surface and an internal non-corrugated liner element.

4. (Canceled)

5. (Currently Amended) The apparatus of Claim 12, in which said first piece of pipe includes a second female engagement structure remote from said first female structure, said second female structure also being temporarily deformed to function as a female structure for receiving a corresponding non-deformed end of a third piece of pipe, said third piece of pipe having a sidewall corrugation pattern along its length that is similar in size and shape to the sidewall corrugation pattern of said first and second pieces of pipe.

6. (Currently Amended) The apparatus of Claim 12, including a sealing element positioned between confronting surfaces of said first and second pieces of pipe to help provide a watertight seal therebetween.

7. (Currently Amended) The apparatus of Claim 12, including an adhesive material acting between confronting surfaces of said first and second pieces of pipe to bond said first and second pieces to each other upon insertion of said second piece into said female structure of said first piece of pipe.

8. (Currently Amended) A stretching tool for use in connection with ~~the apparatus of Claim 1,~~ an apparatus for joining a plurality of pieces of pipe, the apparatus including:

a first piece of pipe and a second piece of pipe each having a similar size and shape sidewall corrugation pattern along their lengths;

a first female engagement structure formed from the sidewall corrugation pattern of the first piece of pipe; and

a male engagement structure formed from the sidewall corrugation pattern of the second piece of pipe,

the first female structure being temporarily deformed for receiving the male structure, the temporary deformation being both sufficiently large to permit the insertion of the male structure but also sufficiently small to ensure that material memory returns the first female structure toward its original non-deformed configuration with sufficient compressive force to grip the male structure and prevent its inadvertent removal from engagement with the first female structure,

the stretching tool including a channel into which an edge of said first piece of pipe can be inserted in its originally fabricated shape, said tool including means to temporarily deform said edge of said first piece of pipe.

9. (Previously Presented) The tool of Claim 8, including a plurality of rollers positionable along the inside and outside surfaces of said edge of said first piece of pipe, and further including means for exerting force to act between said rollers and said edge to deform said edge from its originally fabricated shape to eventually form a first female end.

10. (Currently Amended) A temporary stretch-holding device for use in connection with ~~the apparatus of Claim 1,~~ an apparatus for joining a plurality of pieces of pipe, the apparatus including:

a first piece of pipe and a second piece of pipe each having a similar size and shape sidewall corrugation pattern along their lengths;

a first female engagement structure formed from the sidewall corrugation pattern of the first piece of pipe; and

a male engagement structure formed from the sidewall corrugation pattern of the second piece of pipe,

the first female structure being temporarily deformed for receiving the male structure, the temporary deformation being both sufficiently large to permit the insertion of the male structure but also sufficiently small to ensure that material memory returns the first female structure toward its original non-deformed configuration with sufficient compressive force to grip the male structure and prevent its inadvertent removal from engagement with the first female structure,

~~said the temporary stretch-holding~~ device including a first portion for temporary insertion into said temporarily deformed female structure of said first pipe piece, said first portion being sized and configured to retain a sufficient degree of deformation of said temporarily deformed female structure so that, upon removal of said temporary stretch-holding device from said temporarily deformed female structure, a non-deformed end of said second piece of pipe may be inserted into engagement with said female structure.

11. (Previously Presented) The device of Claim 10, in which said device is fabricated with a sidewall corrugation pattern that is similar in size and shape to the sidewall corrugation pattern of said first piece of pipe, and further including a second portion to assist in desired removal of said device from said temporary insertion into said deformed female structure, said first portion includes a circumferential gap to allow a degree of compression of said corrugation pattern to facilitate the desired insertion into and removal from said female structure.

12. (Previously Presented) The device of Claim 10, in which said device is fabricated with a sidewall corrugation pattern that is similar in size and shape to the sidewall corrugation pattern of said first piece of pipe, and further including a second portion to assist in desired removal of said device from said temporary insertion into said deformed female structure, said second portion

includes an axially lengthwise cut to allow a degree of compression of said device to facilitate the desired insertion into and removal from said female structure.

13. (Previously Presented) The device of Claim 10, further including a second portion having a strap element upon which force can be exerted to effect the desired removal of said temporary stretch-holding device from said deformed female structure.

14. (Previously Presented) The device of Claim 10, further including a second-portion having a grippable area upon which force can be exerted to effect the desired removal of said temporary stretch-holding device from said deformed female structure.

15. (Previously Presented) The device of Claim 10, wherein said device is sized and configured for use as a cover over a pipe joint formed with said female structure after said device is removed from said temporary engagement within said female structure.

16. (Withdrawn) A method of assembling a plurality of pipe pieces together, including the steps of:

providing a plurality of pipe pieces fabricated with a substantially uniform cross-sectional sidewall pattern along their length;

stretching a first end of at least one of said pipe pieces sufficiently to permit the insertion of a non-stretched end of another piece of said pipe without stretching said first end so far as to destroy its material memory;

inserting said non-stretched end of said another piece of said pipe into said stretched first end; and

allowing said material memory of said stretched end to return said first end toward its original non-stretched configuration with sufficient compressive force to grip said non-stretched

end of said another piece of said pipe and prevent its inadvertent removal from engagement with said stretched end.

17. (Withdrawn) The method of Claim 16, in which said step of stretching a first end is performed by a tool having a channel into which an edge of said first end can be inserted in its originally fabricated shape, said tool including means to temporarily stretch said edge to a configuration capable of receiving said non-stretched end of said another piece of said pipe.

18. (Withdrawn) The method of Claim 16, including the steps of:

 inserting into said temporarily stretched first end a device for holding said stretch prior to said step of inserting said non-stretched end of said another piece of said pipe into said stretched first end, said device being sized and configured to retain a sufficient degree of said stretch of said first end so that, upon said removal of said device from said stretched end, said non-stretched end of said another piece of said pipe may be inserted into engagement with said stretched end;

 leaving said device in its temporary insertion position for a discrete period of time to facilitate transport, handling, or other processing of said pipe; and
removing said device from said stretched end prior to insertion of said non-stretched end of said another pipe.

19. – 26. (Canceled)